

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JEFFREY DAVID VOLOSIN,

Petitioner,

v.

TIM GARRETT, *et al.*,

Respondents.

Case No. 3:23-cv-00362-MMD-CSD

ORDER

Pro se Petitioner Jeffrey David Volosin filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. (ECF No. 1-1 (“Petition”).) On July 25, 2023, this Court ordered Volosin to show cause why the Petition should not be dismissed as untimely and/or unexhausted. (ECF No. 6.) Volosin responded and moved for a stay. (ECF Nos. 8, 10.) Given Volosin’s responses to this Court’s order to show cause, this Court ordered Respondents to respond to Volosin’s response to the order to show cause and motion for stay within 60 days. (ECF No. 11.) On November 27, 2023, Respondents requested an extension of time to file their response, explaining that they have yet to receive all the state court records. (ECF No. 20.) Volosin did not object to the extension request, and his time for doing so has now expired. As such, this Court finds good cause to grant Respondents’ extension request.


Volosin has moved for the appointment of counsel, for this Court “to take judicial notice of facts relevant to the pending motion for appointment of counsel,” and for withdrawal of his motion for a stay. (ECF Nos. 14, 17, 21.) Regarding his motion for withdrawal of his motion for a stay, Volosin explains that the Nevada Court of Appeals issued its order of affirmance on his state habeas petition on December 1, 2023. (ECF

1 No. 21.) Respondents have filed a non-opposition to the motion for withdrawal of the
2 motion for a stay. (ECF No. 23.) This Court finds good cause exists to grant the
3 unopposed motion for withdrawal of the motion for a stay, but it defers ruling on Volosin's
4 motion for appointment of counsel and related motion for judicial notice until after it
5 receives Respondents' response to Volosin's response to the order to show cause and
6 Volosin's reply thereto.

7 It is therefore ordered that the motion for withdrawal of motion to stay case (ECF
8 No. 21) is granted. The motion to stay case (ECF No. 8) is considered withdrawn.

9 It is further ordered that the motion to extend time (ECF No. 20) is granted.
10 Respondents have up to and including January 11, 2024, to file their response to Volosin's
11 response to the order to show case. Volosin may file a reply within 30 days following
12 receipt of Respondents' response.

13 DATED THIS 11th Day of December 2023.

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17 MIRANDA M. DU
18 CHIEF UNITED STATES DISTRICT JUDGE
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